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2018-June-20

BY ECF AND ELECTRONIC MAIL

Honorable Katherine Polk Failla
United States District Judge, Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

Re: AXA Art Americas Corp. v. Korine, No. 1:18-CV-04444 (KPF)

Dear Judge Failla:

Plaintiff AXA Art Americas Corporation and AXA Insurance Company ("AXA") and Defendant Harmony Korine ("Korine") hereby respectfully request jointly that the Court stay this action for 90 days to facilitate resolution of the dispute between the parties, in accordance with the terms of the insurance policy issued by AXA to Korine (the "Policy").

This lawsuit arises out of an insurance claim presented by Korine under the Policy for claimed damage to certain artworks. Prior to the commencement of this lawsuit, the parties agreed to proceed with appraisal, pursuant to the subject policy's arbitration provision, but a dispute arose as to the selection of an umpire to resolve the respective appraisers' disagreement as to the value of the subject loss. Since the filing of this lawsuit, the parties have been engaged in ongoing discussions in an attempt to settle the case or, alternatively, to resolve the dispute as to the choice of an umpire. To that end, the parties have agreed to attend mediation with a mediator appointed by Judicial Arbitration and Mediation Services, Inc. ("JAMS").

The parties are scheduled to have an Initial Conference with the Court tomorrow, June 21, 2018, at 3 p.m. Thus, in order to avoid unnecessarily expending the Court's and the parties' resources on the Conference and any case management orders issued by the Court arising from the Conference, the parties respectfully request that the Court "so-order" the attached stipulation agreeing to a 90-day stay this lawsuit to allow the parties an opportunity to fully resolve the case or, alternatively, to resolve the dispute as to the choice of an umpire to proceed with and complete the mediation process.

The parties note that a similar stay is simultaneously being sought in the action pending in the United States District Court for the Southern District of Florida, Case No. 1:18-cv-21547-KMW.

Very truly yours,

John R. Cahill

cc: Jean-Claude Mazzola, Esq. (by ECF and e-mail)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AXA ART AMERICAS CORP.,

Plaintiff,

-against-

HARMONY KORINE,

Defendant.

ECF CASE

1:18-CV-04444 (KPF)

STIPULATION AND ORDER

To facilitate resolution of the dispute between the parties in accordance with the terms of the insurance policy issued by Plaintiff AXA Art Americas Corp. ("AXA") to Defendant Harmony Korine ("Korine"), the parties hereby STIPULATE AND AGREE that this action be stayed for ninety (90) days from the date this Stipulation and Order is filed.

Dated: New York, NY
June 20, 2018

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SO ORDERED:

KATHERINE FAILLA
United States District Judge